

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	
	§	
SKYPORT GLOBAL	§	
COMMUNICATIONS, INC.,	§	
Debtor	§	
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JOANNE SCHERMERHORN, ET AL.,	§	
Appellants/Plaintiffs	§	
	§	
v.	§	CIVIL ACTION NO. 4:11- CV-1524
	§	(Appeal in Bankruptcy Case No.
CENTURYTEL, INC. (A/K/A	§	08-36737-H4-7 and Adversary
CENTURLINK), ET AL.,	§	Nos. 10-03150 and 10-03225–
Appellees/Defendants	§	Consolidated Under 10-03150)
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SKYPORT GLOBAL	§	
COMMUNICATIONS, INC., ET AL.,	§	
Appellees/Cross-Appellants/Plaintiffs	§	
	§	
v.	§	
	§	
JOANNE SCHERMERHORN, ET AL.,	§	
Appellants/Cross-Appellees/Plaintiffs	§	

APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE BRIEFS

TO THE UNITED STATES DISTRICT COURT:

COME NOW, Joanne Schermerhorn, John K. Waymire, Chet Gutowsky, John Llewellyn, Joseph A. Lopez, Robert Foote, BLF Partners Ltd., ECAL Partners, Ltd., Whizkid Venture, LLC, Bella Krieger, Martin Pollack, George Metcalf, Floster Holdings, LLC, Melvyn Reiser, Barry Klein, Cheskel Kahan, John A. Rees, Brian W. Harle, Michael Stein, Lawrence Solomon, Tracy Estein & David Togut, Jason Charles Togut Truste, BMT Grantor Trust, Lynn Joyce Elstein Trust, Charles Stack, Joseph Baker, Movada, Ltd., Puddy, Ltd., Draco Capital, Inc., Edward Pascal, Robert Mendel, Stanley Beraznik, Don Bui, Ben Ariano, 3791068 Canada, Inc., Peter Taylor, John E. Panneton, Wayne C. Fox, David Currie, Byron Messier, Darshal Khurana,

Mateo Novelli, Diya Al-Sarraj, Sequoia Aggressive Growth Fund, Ltd., Sequoia Diversified Growth Fund, Rig III Fund, Ltd. Aran Asset Management SA, Semper Gestion SA (the “Schermerhorn Parties”), and file this Motion for Extension of Time to File Briefs (the “Motion for Extension”) and would respectfully show unto this Court the following:

1. On April 20, 2011, the Schermerhorn Parties timely filed their Notice of Appeal thereby commencing this Civil Action No. 4:11-CV-1524 (the “Appeal”).

2. Thereafter, on April 27, 2011, Skyport Global Communications, Inc. n/k/a Trustcomm, Inc., Robert Kubbernus, Balaton Group, Inc., Bankton Financial Corporation, LLC and Bankton Financial Corporation (the “Kubbernus Parties”) filed their Notice of Appeal thereby commencing a cross-appeal in this matter (the “Cross-Appeal”).

3. Subsequently, the Schermerhorn Parties, the Kubbernus Parties, and the other parties to this Appeal, specifically CenturyTel, Inc. (a/k/a Century Link), Clarence Marshall, R. Stewart Ewing, Jr., Michael E. Maslowski, Harvey P. Perry (the “CenturyTel Parties”) and Wilson Vukelich LLP (the “Wilson Vukelich Parties”) designated the record on appeal (the “Record”).

4. On June 15, 2011, the United States District Clerk filed its Notice of Docketing an Appeal thereby commencing the deadlines for filing of appellate briefs in this case. According to Fed. R. Bankr. P. 8009, the brief of the Schermerhorn Parties is due on June 29, 2011. Due to summer vacations and other scheduling problems as well as the voluminous record in this Appeal, the Schermerhorn Parties advised the other parties in this Appeal that they intended to file a motion for extension of time within which all of the briefs are to be filed as follows:

- a. The Schermerhorn Parties shall file their main brief in the above-referenced Appeal (the “Schermerhorn Brief”) on or before July 21, 2011;

- b. The Kubbernus Parties shall file their response brief to the Schermerhorn Brief and their main appellate brief in their Cross-Appeal (the “Kubbernus Brief”) on or before August 25, 2011;
- c. The CenturyTel Parties shall file their response brief to the Schermerhorn Brief (the “CenturyTel Brief”) on or before August 25, 2011;
- d. The Wilson Vukelich Parties shall file their response brief to the Schermerhorn Brief (the “Wilson Vukelich Brief”) on or before August 25, 2011;
- e. The Schermerhorn Parties shall file their reply brief/response brief to the Kubbernus Brief on or before September 15, 2011 (the “Schermerhorn Reply/Response Brief”); and
- f. The Kubbernus Parties shall file their reply brief to the Schermerhorn Reply/Response Brief as to the Cross-Appeal on or before October 6, 2011.

5. The CenturyTel Parties and the Wilson Vukelich Parties have expressly agreed to this briefing schedule. Although the Schermerhorn Parties believe that the Kubbernus Parties agree as well, their counsel’s responsive e-mail regarding the schedule was somewhat unclear. Counsel for the Schermerhorn Parties requested clarification but did not receive a response by the time of the filing of this Motion for Extension. A true and correct copy of the e-mail exchange between counsel related to this Motion for Extension and the requested clarification is attached hereto as Exhibit “A” and is incorporated herein for all purposes.

WHEREFORE, PREMISES CONSIDERED, the Schermerhorn Parties pray that this Court grant the Motion for Extension, grant the extensions of time for filing briefs set forth herein and grant such other and further relief as is just.

DATED the 23rd day of June, 2011.

Respectfully submitted,

MC FALL, BREITBEIL & SMITH, P.C.

By: /S/ Blanche D. Smith
W. STEVE SMITH
State Bar No. 18700000
BLANCHE D. SMITH
State Bar No. 00783991
1331 Lamar Street, Ste. 1250
Houston, Texas 77010
Telephone: (713) 590-9300
Facsimile: (713) 590-9399

THE FRYAR LAW FIRM

By: /s/ F. Eric Fryar

F. ERIC FRYAR
State Bar No. 07495770
1001 Texas Ave., Suite 1400
Houston, Texas 77002
Tel. (888) 481-9995
(281) 715-6396
Main Fax: (281) 715-6397
Direct Fax: (281) 605-1888
Email: efryar@fryarlawfirm.com

SAMUEL GOLDMAN & ASSOC.

By: /s/ Samuel Goldman

SAMUEL GOLDMAN
100 Park Ave., 20th Fl.
New York, NY 10017
Tel. (212) 725-1400
Fax. (212) 725-0805
Email: sg@sgalaw.com

HAROLD B. OBSTFELD, P.C.

By: /s/ Harold B. Obstfeld

HAROLD B. OBSTFELD
100 Park Ave., 20th Floor
New York, NY 10017
Tel. (212) 696-1212
Fax. (212) 867-7360
Email: hobsd@erols.com

ATTORNEYS FOR APPELLANTS

CERTIFICATE OF CONFERENCE

I hereby certify that on June 19, 2011, as one of the counsel for the Schermerhorn Parties, I contacted counsel for all other interested parties in this matter regarding this Motion for Extension. The CenturyTel Parties and the Wilson Vukelich Parties expressly agreed to the briefing schedule set forth herein. Although the Schermerhorn Parties believe that the Kubbernus Parties agree as well, their counsel's responsive e-mail regarding the schedule was somewhat unclear. Counsel for the Schermerhorn Parties requested clarification but did not receive a response by the time of the filing of this Motion for Extension.

/s/ Blanche D. Smith
BLANCHE D. SMITH

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document were served upon the following parties in interest/counsel for all interested parties in this matter via First Class U.S. Mail, postage prepaid and/or by electronic mail pursuant to Amended Local Bankruptcy Rule 5005, on the 23rd day of June, 2011:

Office of U.S. Trustee
515 Rusk Ave., Ste. 3516
Houston, TX 77002

Edward L. Rothberg
Annie Catmull
Hoover Slovacek, L.P.
5847 San Felipe, Ste. 2200
Houston, TX 77057

Hugh M. Ray, III
McKool Smith, P.C.
600 Travis, Suite 7000
Houston, TX 77002

David R. Jones
Elizabeth Freeman
Porter & Hedges, LLP
1000 Main Street, 36th Fl.
Houston, TX 77002

Robert M. Manley
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201

/s/ *Blanche D. Smith*
BLANCHE D. SMITH